

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Jia Sheng,

Plaintiff,

Hon. Hugh B. Scott

12CV1103¹

v.

**Amended
Order**

M&T Bank Corporation et al.,

Defendant.

A pretrial conference was held on October 14, 2014 in this matter. At that time, the issue relating to the admissibility of an offer of reinstatement was raised. This issue was previously discussed in the Court's Order dated October 10, 2014 addressing the plaintiff's motion *in limine*. (Docket No. 65). In that Order, it was noted that a question of fact exists as to the unconditional nature of the verbal offer of reinstatement presented to the plaintiff. During argument, there appears to be some suggestion that reinstatement offers were extended to the plaintiff on more than one occasion. The Court has requested that the parties submit additional memoranda regarding this issue by Friday, October 17, 2014. **The defendants are directed to identify, by date, each instance in which the defendants claim that an unconditional offer of reinstatement was presented to the plaintiff. Further, the parties shall identify the facts and circumstances – including the location at which the offer was made, who was present when**

¹ The parties have consented to the jurisdiction of the Magistrate Judge (Docket No. 39).

the offer was made, who extended the offer on behalf of the Bank, and to whom the offer was extended – as to each such instance. It appears that there is no dispute that at least one of the offers of reinstatement was articulated to the plaintiff, or plaintiff's counsel, by defendant's counsel Sean Ronan.² **Finally, with respect to any such offer presented to the plaintiff by Ronan, the defendants are directed to advise the Court as to how they intend to introduce competent evidence of the unconditional nature of the verbal offer of reinstatement absent testimony from Ronan.**

So Ordered.

/s/ Hugh B. Scott
United States Magistrate Judge
Western District of New York

Buffalo, New York
October 14, 2014

² The defendant's initial witness list included Ronan as a witness to testify as to the unconditional nature of the offer presented to the plaintiff. (Docket No. 49). The defendants subsequently filed an addendum to their witness list, stating that Ronan would not be called to testify. (Docket No. 60).